FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 41 OF 2005

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.B. Tanjane i/by Mr.G.S. Godbole for petitioner.

Mr. M.M. Sathaye for respondent nos.2A to 2C, 3,4,5 and 7.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. R.C. Suit No.27 of 1996 (old No. 2 of 1983) was decreed by the learned Civil Judge, J.D., Nashik Road by judgment and order dated 17/1/2000. Being aggrieved by the said decree, defendant filed Civil Appeal No. 68/2000 before the District Court at Nashik. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 15/06/2004.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in

Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Ad-interim order granted earlier will continue for two weeks from today. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)